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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,986	07/21/2003	Govindan Gopinathan	GOPI 0116 PUS1	5509
22045	7590	06/01/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			NASSER, ROBERT L	
		ART UNIT	PAPER NUMBER	
			3736	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/623,986	GOPINATHAN ET AL.
	Examiner Robert L. Nasser	Art Unit 3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-47 is/are allowed.
- 6) Claim(s) 48-54 and 60-62 is/are rejected.
- 7) Claim(s) 55-59 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/20/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 48-54, 60, and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Berlant 5067478. Berlant shows two gloves each of which has an electrocardiograph electrode 30 on the palm thereof, and an interface, e.g. wires 21a and 21b to transmit information to a remote location. The examiner notes that the electrodes in Berlant are not used to measure an EKG, but are EKG electrodes capable of making such a measurement. Applicant might exploit this distinction to define over Berlant. Claims 53 and 54 are rejected in that there are 2 sensors 30.

Claims 48, 60, and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Hedgecock et al 5797854. Hedgecock shows two members 16 and 18, each contoured to a finger of a person. The examiner notes that the devices are contoured to a finger on each hand such that members 16 and 18 may be applied to different hands.

The device further had an interface, i.e. the wires connecting the electrodes to the box

10. With respect to claims 48 and 61, the examiner notes that the members 16 and 18 are contoured to any person's fingers. Therefore, they are countered to person A's fingers and can also measure signals from person B when person B wears the device. If applicant were to amend the claim to recite that the sensors were capable of measuring signals from a second person while the member was being worn by a first person, then it would overcome this rejection.

Claims 48-50, 52, 60, and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Allison 4016868. Allison shows a device with a plurality of gloves, each including a plurality of electrodes on the palmar side of the gloves (see figure 5), and a n interface for sending the signals to a remote location, that is, remote from the hand. (see column 3, line 31-41). The examiner notes that it appears that the electrodes are external to the device of Allison and therefore can measure signals from a second person while being worn by a first person.

Claims 20-47 are allowable. Claims 20-47 define over the art of record in that none of the art shows a first and second member contoured to the hand, as claimed, with a defibrillator device.

Claims 55-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 55-59 define over the art of record in that none of the art shows the first and second members, with the claimed diagnostic devices.

Applicant's arguments filed 3/3/2005 have been fully considered but they are not persuasive.

Applicant has asserted that Berlant is not a diagnostic device in that it is a stimulating device. The examiner notes that this is an intended use limitation. Berlant is disclosed as having an EKG electrode on the palm of the glove. Whether or not it is used as a diagnostic device, the electrode is capable of receiving diagnostic signals and is therefore a diagnostic device.

Applicant has further asserted that Hedgecock has two members on the same hands and not on different hands. Again, this is an intended use limitation, as the devices of Hedgecock are capable of being used on different hands and therefore meet the claim language.

Applicant has further asserted that Allison does not send information to a remote location. The examiner notes that the record is devoid of any limiting definition of what "remote" means. As such, the examiner is required to give the term its broadest reasonable interpretation and the examiner notes that Allison sends the signals to a monitor that is remote from the body.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert L. Nasser whose telephone number is (571) 272-4731. The examiner can normally be reached on Mon-Fri, variable hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert L. Nasser
Primary Examiner
Art Unit 3736

RLN
May 27, 2005

Robert L. Nasser

ROBERT L. NASSER
PRIMARY EXAMINER